

CLOSED, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-02705-SAS**

Families for Freedom et al v. United States Customs and Border
Protection et al

Assigned to: Judge Shira A. Scheindlin

Related Cases: [1:10-cv-03488-SAS](#)

[1:10-cv-08354-SAS](#)

[1:11-cv-03235-JSR](#)

Cause: 05:552 Freedom of Information Act

Plaintiff

Families for Freedom

represented by **Nancy Babette Morawetz**
Washington Square Legal Services, Inc.
245 Sullivan Street
New York, NY 10012
212/998-6430
Fax: (212)-995-4802
Email: nancy.morawetz@nyu.edu
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alina Das
Washington Square Legal Services, Inc.
245 Sullivan Street 5th Floor
New York, NY 10012
(212) 998-6430 x6467
Fax: (212) 995-4031
Email: alina.das@nyu.edu
ATTORNEY TO BE NOTICED

Plaintiff

Jane Doe

represented by **Nancy Babette Morawetz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alina Das
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Mary Doe

represented by **Nancy Babette Morawetz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alina Das
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

John Doe

represented by **Nancy Babette Morawetz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alina Das
(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant**United States Customs and Border Protection**

represented by **David Vincent Bober**
 U.S. Attorney's Office, SDNY
 86 Chambers Street
 New York, NY 10007
 212 637-2718
 Fax: 212 637-2786
 Email: david.bober@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant**United States Department of Homeland Security**

represented by **David Vincent Bober**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**United States Immigration and Customs Enforcement**

represented by **David Vincent Bober**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/26/2010	<u>1</u>	COMPLAINT against United States Customs and Border Protection, United States Department of Homeland Security. (Filing Fee \$ 350.00, Receipt Number 898650) Document filed by Families for Freedom, Jane Doe.(rdz) (Entered: 03/30/2010)
03/26/2010		SUMMONS ISSUED as to United States Customs and Border Protection, United States Department of Homeland Security. (rdz) (Entered: 03/30/2010)
03/26/2010		Magistrate Judge Kevin Nathaniel Fox is so designated. (rdz) (Entered: 03/30/2010)
03/26/2010		Case Designated ECF. (rdz) (Entered: 03/30/2010)
03/26/2010	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Families for Freedom, Jane Doe.(rdz) (Entered: 03/30/2010)
04/09/2010	<u>3</u>	AFFIDAVIT OF SERVICE. United States Customs and Border Protection served on 3/26/2010, answer due 5/25/2010; United States Department of Homeland Security served on 3/26/2010, answer due 5/25/2010. Service was made by Mail. Document filed by Families for Freedom; Jane Doe. (Morawetz, Nancy) (Entered: 04/09/2010)
04/23/2010	<u>4</u>	NOTICE OF APPEARANCE by David Vincent Bober on behalf of United States Customs and Border Protection, United States Department of Homeland Security (Bober, David) (Entered: 04/23/2010)
04/28/2010	<u>5</u>	ORDER United States Customs and Border Protection answer to complaint due 5/13/2010; United States Department of Homeland Security answer to complaint due 5/13/2010. (Signed by Judge Shira A. Scheindlin on 4/28/10) (cd) (Entered: 04/28/2010)
05/07/2010	<u>6</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 5/20/2010 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin. SO ORDERED (Signed by Judge Shira A. Scheindlin on 5/6/2010) (jmi) (Entered: 05/07/2010)

05/13/2010	<u>7</u>	ANSWER to Complaint. Document filed by United States Customs and Border Protection, United States Department of Homeland Security.(Bober, David) (Entered: 05/13/2010)
05/21/2010	<u>8</u>	SCHEDULING ORDER: The next conference in this case is scheduled for May 20, 2010, at 4:30 p.m. Plaintiffs are represented by Nancy Morawetz, Esq. Defendants are represented by Assistant United States Attorney David Bober. plaintiffs will file an amended complaint by May 21, 2010, and an answer to the amended complaint shall be filed by June 1, 2010. A Vaughn index shall be supplied by July 7, 2010. Additional relief as set forth in this Order. (Signed by Judge Shira A. Scheindlin on 5/20/10) (pl) (Entered: 05/21/2010)
05/21/2010		Set/Reset Deadlines: United States Customs and Border Protection answer due 6/1/2010; United States Department of Homeland Security answer due 6/1/2010. (pl) (Entered: 05/21/2010)
05/21/2010	<u>9</u>	AMENDED COMPLAINT amending 1 Complaint against United States Immigration and Customs Enforcement, United States Customs and Border Protection, United States Department of Homeland Security.Document filed by Families for Freedom, Mary Doe, John Doe, Jane Doe. Related document: 1 Complaint filed by Jane Doe, Families for Freedom.(rdz) (Entered: 05/25/2010)
05/28/2010	<u>10</u>	CERTIFICATE OF SERVICE. United States Immigration and Customs Enforcement served on 5/21/2010, answer due 7/20/2010; United States Customs and Border Protection served on 5/21/2010, answer due 7/20/2010; United States Department of Homeland Security served on 5/21/2010, answer due 7/20/2010. Service was made by Mail. Document filed by Families for Freedom; Mary Doe; John Doe; Jane Doe. (Morawetz, Nancy) (Entered: 05/28/2010)
06/01/2010	<u>11</u>	ANSWER to Amended Complaint. Document filed by United States Immigration and Customs Enforcement, United States Customs and Border Protection, United States Department of Homeland Security. Related document: 9 Amended Complaint, filed by Mary Doe, John Doe, Jane Doe, Families for Freedom.(Bober, David) (Entered: 06/01/2010)
10/04/2010	<u>12</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – MOTION for Discovery. Document filed by Families for Freedom, Jane Doe, John Doe, Mary Doe. Return Date set for 11/12/2010 at 04:30 PM. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K)(Morawetz, Nancy) Modified on 10/6/2010 (db). (Entered: 10/04/2010)
10/04/2010		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>12</u> HAS BEEN REJECTED. Note to Attorney Nancy Babette Morawetz : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (db) (Entered: 10/06/2010)
10/15/2010	<u>13</u>	ORDER. 1. Defendants' response to plaintiffs' October 4, 2010, letter shall be submitted to the Court by October 22, 2010; and 2. Plaintiffs' reply shall be submitted to the Court by October 29, 2010. (Signed by Judge Shira A. Scheindlin on 10/15/10) (djc) (Entered: 10/18/2010)
10/15/2010		Set Deadlines/Hearings: Replies due by 10/29/2010. Responses due by 10/4/2010 (djc) (Entered: 10/18/2010)
10/15/2010		Set Deadlines/Hearings: Replies due by 10/29/2010. Responses due by 10/22/2010 (djc) (Entered: 10/20/2010)
11/19/2010		***DELETED DOCUMENT. Deleted document number 14 LAW STUDENT INTERN APPEARANCE FORM. Document deleted pursuant to Order dated 11/23/10, document #18. (djc) (Entered: 11/30/2010)
11/19/2010		***DELETED DOCUMENT. Deleted document number 15 LAW STUDENT INTERN APPEARANCE FORM. Document deleted pursuant to Order dated 11/23/10, document #18. (djc) (Entered: 11/30/2010)

11/19/2010		***DELETED DOCUMENT. Deleted document number 16 LAW STUDENT INTERN APPEARANCE FORM. Document deleted pursuant to Order dated 11/23/10, document #18. (djc) (Entered: 11/30/2010)
11/22/2010	<u>17</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from David Bober dated 11/19/10 re: In accordance with the Court's order at the conference held on November 12, 2010, counsel writes to advise the Court that the Government intends to submit supplemental declarations regarding the searches that were done in response to plaintiffs' FOIA requests. Counsel requests that the time for the Government to submit its supplemental declarations be extended to December 1. ENDORSEMENT: The Government's request for an extension of time to submit supplemental declaration regarding its search for documents responsive to plaintiffs' FOIA requests until Dec. 1, 2010 is hereby granted. (Signed by Judge Shira A. Scheindlin on 11/19/10) (djc) (Entered: 11/22/2010)
11/23/2010	<u>18</u>	ORDER. The Clerk of the Court is hereby directed to delete docket entries number 14, 15 and 16 from the ECF Docket Sheet for the above-captioned case, as the Law Student Intern Appearance Forms were incorrectly docketed in the above-captioned case. (Signed by Judge Shira A. Scheindlin on 11/22/10) (djc) (Entered: 11/23/2010)
11/23/2010	<u>19</u>	ORDER. Pursuant to the Local Rules of the Southern District of New York; I authorize Ms. Yihong (Julie) Mao, Mr. Benjamin Locke and Ms. Ada V. Afton, students of New York University School of Law, to appear in court or other proceedings on behalf of Plaintiffs in the above-named matter. These students will be supervised by Nancy Morawetz, Esq., of Washington Square Legal Services, Inc. (Signed by Judge Shira A. Scheindlin on 11/10/10) (djc) (Entered: 11/23/2010)
12/01/2010	20	TRANSCRIPT of proceedings held on 11/12/10, 4:45 p.m. before Judge Shira A. Scheindlin. (rjm) (Entered: 12/01/2010)
12/01/2010	21	TRANSCRIPT of proceedings held on 11/12/2010 before Judge Shira A. Scheindlin. (ja) (Entered: 12/02/2010)
12/02/2010	<u>22</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from David Bober dated 12/1/10 re: Counsel for the Government writes to request a two-week adjournment of the next status conference in this matter, which is currently scheduled for Tuesday, December 7, 2010, at 4:00. ENDORSEMENT: The Government's request for an adjournment is hereby granted—the conference will be held on Thursday Dec 23rd at 4:30 p.m. SO ORDERED. (Status Conference set for 12/23/2010 at 04:30 PM before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 12/2/10) (mro) (Entered: 12/02/2010)
12/06/2010	<u>23</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Nancy Morawetz, Ada Anon, Benjamin Locke and Julie Mao dated 12/3/10 re: Request for an extension of the production of documents deadline until 12/16/10. ENDORSEMENT: Plaintiffs' request to extend the deadline of production of documents until December 16th, 2010 is hereby granted. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 12/3/10) (db) (Entered: 12/06/2010)
01/19/2011	24	TRANSCRIPT of proceedings held on 1/4/2011 before Judge Shira A. Scheindlin. (ab) (Entered: 01/19/2011)
01/28/2011	<u>25</u>	MOTION for Summary Judgment. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. Responses due by 2/18/2011(Bober, David) (Entered: 01/28/2011)
01/28/2011	<u>26</u>	MEMORANDUM OF LAW in Support re: <u>25</u> MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 01/28/2011)
01/28/2011	<u>27</u>	DECLARATION of Ryan Law in Support re: <u>25</u> MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 01/28/2011)

01/28/2011	<u>28</u>	DECLARATION of Robert Lewandowski in Support re: <u>25</u> MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit A)(Bober, David) (Entered: 01/28/2011)
02/09/2011	<u>29</u>	ORDER: Because I conclude that CBP's declarations are sufficiently detailed to demonstrate that it has conducted a reasonable search (and will continue to do so pursuant to this Court's Order) – and because plaintiffs have not made a showing of bad faith to cast doubt on the agency's assertions – plaintiffs' request for discovery is denied (Signed by Judge Shira A. Scheindlin on 2/8/11) (db) (Entered: 02/09/2011)
02/16/2011	<u>30</u>	NOTICE OF CHANGE OF ADDRESS by Nancy Babette Morawetz on behalf of All Plaintiffs. New Address: Washington Square Legal Services, 245 Sullivan Street, 5th Fl, New York, NY, USA 10012, 212-998-6451. (Morawetz, Nancy) (Entered: 02/16/2011)
02/19/2011	<u>31</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>25</u> MOTION for Summary Judgment.. Document filed by Families for Freedom, Jane Doe, John Doe, Mary Doe. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Exhibit Exhibit H)(Morawetz, Nancy) (Entered: 02/19/2011)
03/04/2011	<u>32</u>	REPLY MEMORANDUM OF LAW in Support re: <u>25</u> MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 03/04/2011)
03/19/2011	33	TRANSCRIPT of proceedings held on 2/01/2011 before Judge Shira A. Scheindlin. (ama) (Entered: 03/28/2011)
03/29/2011		***DELETED DOCUMENT. Deleted document number 34 STIPULATION AND ORDER. The document was incorrectly filed in this case. (Pursuant to chambers' instructions – This Stipulation and Order does not belong in this action) (ae) (Entered: 06/22/2011)
06/16/2011	<u>35</u>	OPINION AND ORDER #100432 granting in part and denying in part re: <u>25</u> MOTION for Summary Judgment, filed by United States Immigration and Customs Enforcement, United States Customs and Border Protection, United States Department of Homeland Security. (Conference set for 7/22/2011 at 05:00 PM before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 6/16/11) (cd) Modified on 6/21/2011 (ajc). (Entered: 06/16/2011)
07/01/2011	<u>36</u>	STIPULATION AND ORDER: The deadline for the Government to produce the documents specified in the June 16 Order is stayed until August 15,2011. (Signed by Judge Shira A. Scheindlin on 7/1/11) (laq) (Entered: 07/01/2011)
07/06/2011		***DELETED DOCUMENT. Deleted document number 37 Stipulation and Order. The document was incorrectly filed in this case. (Duplicate of 36, deleted pursuant to instructions from Chambers on 8/4/2011. (tro) Modified on 8/4/2011 (tro). (Entered: 08/04/2011)
07/20/2011		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Status Conference held on 7/20/2011. (lmb) (Entered: 08/05/2011)
08/04/2011	<u>38</u>	ENDORSED LETTER addressed to Judge Shira A Scheindlin from David Bober dated 8/3/11 re: Request to extend time for one week to 8/10/11 to file the Government's supplemental submissions. ENDORSEMENT: Request granted. On plaintiffs' consent the Government's time to file the required supplemental submission is hereby extended to 8/10/11. (Signed by Judge Shira A. Scheindlin on 8/4/11) (cd) (Entered: 08/04/2011)
08/10/2011	<u>39</u>	ORDER: IT IS HEREBY ORDERED that defendants file their motion for a stay by August 17, 2011; plaintiffs file their opposition to defendants' motion by August 25, 2011; and defendants file their reply, if any, by August 29, 2011. Defendants' moving brief and plaintiffs' opposition brief are not to exceed fifteen (15) pages. Defendants' reply brief is not to exceed ten (10) pages. An interim stay is hereby

		issued pending this Court's resolution of defendants' motion for a stay pending appeal. (Signed by Judge Shira A. Scheindlin on 8/10/2011) (jfe) (Entered: 08/10/2011)
08/12/2011	<u>40</u>	NOTICE OF APPEAL from <u>35</u> Memorandum & Opinion, Set Deadlines/Hearings. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (tp) (Entered: 08/15/2011)
08/12/2011		Appeal Remark as to <u>40</u> Notice of Appeal filed by United States Immigration and Customs Enforcement, United States Customs and Border Protection, United States Department of Homeland Security. NO FEE. USA. (tp) (Entered: 08/15/2011)
08/15/2011		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>40</u> Notice of Appeal. (tp) (Entered: 08/15/2011)
08/15/2011		Transmission of Notice of Appeal to the District Judge re: <u>40</u> Notice of Appeal. (tp) (Entered: 08/15/2011)
08/15/2011	<u>41</u>	ORDER: Accordingly, defendants must produce the listed documents by August 29, 2011. To the extent that defendants believe that certain of the documents must be withheld under a FOIA exemption, they are ordered to produce redacted copies of those documents with justification for their asserted exemptions by August 29, 2011. The responsive documents are set forth within this Order. If defendants assert FOIA exemptions over any of these documents, plaintiffs may challenge the assertion of those exemptions by September 12, 2011. Any reply must be submitted by September 26, 2011. (Signed by Judge Shira A. Scheindlin on 8/15/2011) (jfe) (Entered: 08/15/2011)
08/17/2011	<u>42</u>	MOTION to Stay. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Bober, David) (Entered: 08/17/2011)
08/17/2011	<u>43</u>	MEMORANDUM OF LAW in Support re: <u>42</u> MOTION to Stay.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 08/17/2011)
08/24/2011	<u>44</u>	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for <u>40</u> Notice of Appeal filed by United States Immigration and Customs Enforcement, United States Customs and Border Protection, United States Department of Homeland Security USCA Case Number 11-3344, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd) (Entered: 08/25/2011)
08/25/2011	<u>45</u>	MEMORANDUM OF LAW in Opposition re: <u>42</u> MOTION to Stay.. Document filed by Families for Freedom, Jane Doe, John Doe, Mary Doe. (Attachments: # <u>1</u> Affidavit Morawetz Decl in Opposition to Stay)(Morawetz, Nancy) (Entered: 08/25/2011)
08/29/2011	<u>46</u>	MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> . Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Bober, David) (Entered: 08/29/2011)
08/29/2011	<u>47</u>	MEMORANDUM OF LAW in Support re: <u>46</u> MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> . MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> .. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 08/29/2011)
08/31/2011	<u>48</u>	ORDER re: <u>42</u> Motion to Stay, filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. Defendants having notified the Court that they are withdrawing their appeal of this Court's June 16, 2011 Order, I deny as moot defendants' pending motion for a stay pending appeal. The Clerk of the Court is directed to close the motion. (Signed by Judge Shira A. Scheindlin on 8/31/2011)

		(ab) (Entered: 08/31/2011)
09/02/2011	<u>49</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed that: 1. The government is not required to produce unredacted versions of the ICE Documents. 2. The Government shall disclose to the plaintiffs: (1) the job title and rank of each sender and recipient of the ICE Documents; (2) copies of the job descriptions for the positions held by each sender and recipient of the ICE Documents; and (3) a chart or other explanation of the position of each sender and recipient of the ICE Documents within the full agency hierarchy, including which positions they supervise and by which positions they are supervised. 3. The Government shall disclose the information in paragraph 2 within 14 days of the date on which this Stipulation and Order is so-ordered by the Court; and 4. Plaintiffs waive any further claim for further disclosure of the redacted portions of the ICE Documents. (Signed by Judge Shira A. Scheindlin on 9/2/2011) (lmb) (Entered: 09/02/2011)
09/08/2011	<u>50</u>	TRANSCRIPT of Proceedings re: Conference held on 7/20/2011 before Judge Shira A. Scheindlin. Court Reporter/Transcriber: Carol Ganley, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/3/2011. Redacted Transcript Deadline set for 10/13/2011. Release of Transcript Restriction set for 12/12/2011.(McGuirk, Kelly) (Entered: 09/08/2011)
09/08/2011	<u>51</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 7/20/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/08/2011)
09/14/2011	<u>52</u>	MANDATE of USCA (Certified Copy) as to <u>40</u> Notice of Appeal filed by United States Immigration and Customs Enforcement, United States Customs and Border Protection, United States Department of Homeland Security USCA Case Number 11-3344....that the appeal is hereby WITHDRAWN pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 09/13/2011. (nd) (Entered: 09/14/2011)
09/14/2011	<u>53</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Opposition re: <u>46</u> MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> . MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> .. Document filed by Families for Freedom, Jane Doe, John Doe, Mary Doe. (Attachments: # <u>1</u> Exhibit A (Jan. 28, 2011 Plaintiff Letter), # <u>2</u> Exhibit B (Feb 1, 2011 Def. Letter), # <u>3</u> Exhibit C (July 21, 2011, Plaintiff Letter), # <u>4</u> Exhibit D (July 25, 2011, Def. Letter), # <u>5</u> Exhibit E (Aug. 10, 2011 Def. Letter), # <u>6</u> Exhibit F (Aug. 11, 2011, Plaintiff Letter), # <u>7</u> Exhibit G (Morawetz Declaration))(Morawetz, Nancy) Modified on 9/15/2011 (db). (Entered: 09/14/2011)
09/15/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Nancy Babette Morawetz to RE-FILE Document <u>53</u> Memorandum of Law in Opposition to Motion. ERROR(S): No signature or s/. (db) (Entered: 09/15/2011)
09/15/2011	<u>54</u>	MEMORANDUM OF LAW in Opposition re: <u>46</u> MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> . MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> . <i>corrected copy</i> . Document filed by Families for Freedom, Jane Doe, John Doe, Mary Doe. (Morawetz, Nancy) (Entered: 09/15/2011)
09/21/2011	<u>55</u>	REPLY MEMORANDUM OF LAW in Support re: <u>46</u> MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> . MOTION for Reconsideration re; <u>41</u> Order., <i>Motion for Partial Reconsideration</i> .. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 09/21/2011)

09/30/2011	<u>56</u>	OPINION AND ORDER re:#100865 <u>46</u> MOTION for Reconsideration re; <u>41</u> Order <i>Motion for Partial Reconsideration</i> . MOTION for Reconsideration re; <u>41</u> Order <i>Motion for Partial Reconsideration</i> filed by United States Immigration and Customs Enforcement, United States Customs and Border Protection, United States Department of Homeland Security. It appears that defendants have produced as few documents as they could possibly produce to plaintiffs without serious consequences. Even more troubling, they have admitted to the existence of as few documents as they could possibly get away with. Defendants approach frustrates plaintiffs, frustrates the Court, and frustrates the purpose of the Freedom of Information Act. Defendants are ordered to produce additional documents consistent with this Order by October 7, 2011. Any documents over which defendants assert exemptions must be produced in redacted form with the relevant FOIA exemptions indicated with specificity by that date. A conference is scheduled for 4 p.m. on Wednesday, October 5, 2011 to discuss the briefing schedules for the parties' summary judgment motions on the adequacy of the search and for the parties' summary judgment motions on FOIA exemptions over any and all documents that were not addressed in the last round of briefing on that issue. The Clerk of the Court is directed to close this motion [Docket No. 46]. (Signed by Judge Shira A. Scheindlin on 9/30/2011) (lmb) Modified on 10/11/2011 (jab). (Entered: 09/30/2011)
09/30/2011		Set/Reset Hearings: Status Conference set for 10/5/2011 at 04:00 PM before Judge Shira A. Scheindlin. (lmb) (Entered: 09/30/2011)
10/06/2011		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Status Conference held on 10/6/2011. (rjm) (Entered: 11/08/2011)
10/07/2011	<u>57</u>	ORDER: Defendants are instructed to produce, by no later than October 14, 2011, the commentary pages of the Buffalo Sector Daily Reports, as previously directed in this Court's June 16, 2011 Opinion and Order. (Signed by Judge Shira A. Scheindlin on 10/6/2011) (cd) (Entered: 10/07/2011)
10/28/2011	<u>58</u>	SECOND MOTION for Summary Judgment. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement.(Bober, David) (Entered: 10/28/2011)
10/28/2011	<u>59</u>	MEMORANDUM OF LAW in Support re: <u>58</u> SECOND MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 10/28/2011)
10/28/2011	<u>60</u>	DECLARATION of Robert Lewandowski in Support re: <u>58</u> SECOND MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 10/28/2011)
10/28/2011	<u>61</u>	FIRST MOTION for Summary Judgment. Document filed by Families for Freedom, Jane Doe, John Doe, Mary Doe. Responses due by 11/11/2011(Morawetz, Nancy) (Entered: 10/28/2011)
10/28/2011	<u>62</u>	MEMORANDUM OF LAW in Support re: <u>61</u> FIRST MOTION for Summary Judgment.. Document filed by Families for Freedom, Jane Doe, John Doe, Mary Doe. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Morawetz, Nancy) (Entered: 10/28/2011)
11/11/2011	<u>63</u>	FIRST REPLY MEMORANDUM OF LAW in Opposition re: <u>58</u> SECOND MOTION for Summary Judgment.. Document filed by Families for Freedom. (Attachments: # <u>1</u> Exhibit Exhibit 1, Amtrak Letter)(Morawetz, Nancy) (Entered: 11/11/2011)
11/11/2011	<u>64</u>	MEMORANDUM OF LAW in Opposition re: <u>61</u> FIRST MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 11/11/2011)

11/11/2011	<u>65</u>	DECLARATION of Elaine Dismuke in Opposition re: <u>61</u> FIRST MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 11/11/2011)
11/18/2011	<u>66</u>	FIRST REPLY MEMORANDUM OF LAW in Support re: <u>58</u> SECOND MOTION for Summary Judgment.. Document filed by Families for Freedom, Jane Doe, John Doe, Mary Doe. (Morawetz, Nancy) (Entered: 11/18/2011)
11/18/2011	<u>67</u>	REPLY MEMORANDUM OF LAW in Support re: <u>58</u> SECOND MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 11/18/2011)
11/18/2011	<u>68</u>	DECLARATION of Dione Jackson Stearns in Support re: <u>58</u> SECOND MOTION for Summary Judgment.. Document filed by United States Customs and Border Protection, United States Department of Homeland Security, United States Immigration and Customs Enforcement. (Bober, David) (Entered: 11/18/2011)
12/27/2011	<u>69</u>	OPINION AND ORDER:#101211 For the reasons explained above, defendants' motion for summary judgment is granted in part and denied in part. The Clerk of the Court is instructed to close this motion [Docket No. 58]. Defendants are ordered to produce the documents in compliance with this Opinion and Order by January 9, 2012. (Signed by Judge Shira A. Scheindlin on 12/27/2011) (rdz) Modified on 1/5/2012 (jab). (Entered: 12/27/2011)
12/27/2011	<u>70</u>	OPINION AND ORDER:#101210 Plaintiffs motion for summary judgment is granted. Plaintiffs are instructed to submit a brief letter to the Court describing precisely what limited discovery they believe is appropriate. The Clerk of the Court is instructed to close this motion [Docket No. 61]. (Signed by Judge Shira A. Scheindlin on 12/27/2011) (rdz) Modified on 1/5/2012 (jab). (Entered: 12/27/2011)
12/27/2011	<u>73</u>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>69</u> Memorandum & Opinion. (mt) (Entered: 02/07/2012)
01/09/2012	<u>71</u>	ORDER: Defendants have requested that I stay my order of December 27, 2011 [Docket No. 69] instructing them to produce certain documents to plaintiffs by January 9,2012, under the Freedom of Information Act ("FOIA"). Defendants request a stay until January 27, 2012 so that they may have sufficient time to consider whether to pursue an appeal. Defendants' request is granted in part and denied in part. Defendants are ordered to disclose, by January 9,2012, the names of high level officials and the job titles of all officials in the transit node emails and Amtrak meeting notes, so that plaintiffs may describe precisely what limited discovery they believe is appropriate. Defendants are granted until January 27, 2012 to comply with the remainder of the December 27, 2011 order. (Signed by Judge Shira A. Scheindlin on 1/9/2012) (pl) Modified on 1/9/2012 (pl). (Entered: 01/09/2012)
01/17/2012	<u>72</u>	ORDER: On December 27,2011, I granted plaintiffs' request for discovery from United States Customs and Border Protection (CBP) [Docket No. 70]. Plaintiffs seek to serve interrogatories directed at information technology personnel at CBP's national headquarters, Buffalo Sector office, and Rochester Station office. They also seek to depose Deputy Chief of Staff Luke Lopez from national headquarters; the Acting Assistant Chief Patrol Officer at the Buffalo Sector, who attended a meeting with Amtrak officials; and a Patrol Agent in Charge from the Rochester Station. CBP requests that the interrogatories be directed at the agency in general rather than at specific offices within the agency, that plaintiffs be limited to two initial depositions, and that the agency be permitted to produce deponents whom it believes are most appropriate, under Rule 30(b)(6).Plaintiffs shall serve interrogatories on the agency, which is the opposing party. The interrogatories can be divided into three distinct sections one regarding the national headquarters, one for the Buffalo Sector, and one for the Rochester Station. CBP shall ensure that the responses are made by individuals with first-hand knowledge of the information sought at each of these locations. After reviewing many documents, plaintiffs believe they are most likely to receive useful information from the three individuals they have identified. They are permitted to take those three depositions. However, because they are naming the deponents themselves rather than permitting CBP to

		select the most appropriate deponents under Rule 30(b)(6), plaintiffs will not be permitted to take further depositions absent a showing of good cause. (Signed by Judge Shira A. Scheindlin on 1/17/2012) (js) (Entered: 01/17/2012)
06/12/2012	<u>74</u>	NOTICE OF APPEARANCE by Alina Das on behalf of Families for Freedom, Jane Doe, John Doe, Mary Doe (Das, Alina) (Entered: 06/12/2012)
08/13/2012	<u>75</u>	STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL: NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties: This action is hereby dismissed with prejudice, and without costs, expenses, or fees, except for as specified in paragraph 8, below. Plaintiffs stipulate and agree to accept this Stipulation of Settlement and Order of Dismissal (the "Stipulation") in full settlement and satisfaction of any and all claims related to the FOIA Requests, under the terms and conditions set forth in this Stipulation, unless specifically and expressly excluded from the terms and conditions of this Stipulation. In consideration for the release of Plaintiffs' claims against the Government related to the FOIA Requests, CBP agrees to release the following information as set forth herein. The Government agrees to promptly pay Plaintiffs the total sum of seventy thousand dollars (\$70,000), payable to "Washington Square Legal Services, Inc.," which shall be in full settlement and satisfaction of all claims for damages, attorney's fees, and costs incurred in connection with this action and the FOIA Requests made to CBP, ICE, DHS that gave rise to this action, and/or any and all of their officers, agents, servants, and employees, current and former, including all claims for attorney's fees or costs that may be advanced by Plaintiffs' present counsel, as well as any that may be advanced by any other counsel who has represented Plaintiffs. ENDORSEMENT: The Clerk is directed to close this case. (Signed by Judge Shira A. Scheindlin on 9/13/2012) (signature is 8/13 confirmed mby chambers) (djc) (Entered: 08/13/2012)